

MCGREGOR W. SCOTT  
United States Attorney  
MARK E. CULLERS  
Assistant U.S. Attorney  
4401 Federal Building  
2500 Tulare Street  
Fresno, California 93721  
Telephone: (559) 497-4000

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	No. 1:98CR05079 OWW
Plaintiff,	)	
	)	
v.	)	
	)	
SOCRATES G. DOMINGO,	)	MOTION TO DISMISS INDICTMENT
EMMANUEL G. UMALI, and	)	AGAINST EVELINA SABIO
EVELINA P. SABIO,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff United States of America, by and through its undersigned counsel, and pursuant to Fed. R. Crim. P. 48, moves to dismiss the indictment in the above-captioned action filed on March 6, 1998.

It is the government's belief that Evelina Sabio learned of the investigation in the underlying case (and a corresponding case out of the Sacramento division, United States v. Martin S. Rosman, CR.S. 98-00383 EJG) and fled the country to avoid charges. More than eight years have passed since the indictment was returned in this case.

1 When the defendant was arrested in Las Vegas in June 2007 she  
2 was interviewed and admitted, at least in part, to some of her  
3 involvement with the illegal activity charged. The government  
4 proceeded to review and evaluate the evidence still in its  
5 possession and otherwise available to the government.  
6 Notwithstanding the partial confession, the government has concluded  
7 that given the passage of time there is insufficient evidence  
8 available to move forward with the criminal prosecution of this  
9 defendant as charged.

10 Accordingly, the government respectfully requests that the  
11 Court dismiss the indictment against Evelina Sabio and release her  
12 from custody ordered as a result of the indictment in the above-  
13 referenced case.<sup>1</sup>

14  
15 DATED: July 10, 2007

MCGREGOR W. SCOTT  
United States Attorney

16  
17  
18 By: s/s Mark E. Cullers  
MARK E. CULLERS  
Assistant U.S. Attorney

19  
20  
21  
22  
23  
24  
25 

---

  
26 <sup>1</sup> It is not known to the government at this time if Evelina  
27 Sabio will still be subject to detention on the basis of immigration  
28 concerns. She is also subject to detention in the Sacramento case  
mentioned above. A Motion to Dismiss the Sacramento case has been  
filed on the same grounds.

MCGREGOR W. SCOTT  
United States Attorney  
MARK E. CULLERS  
Assistant U.S. Attorney  
4401 Federal Building  
2500 Tulare Street  
Fresno, California 93721  
Telephone: (559) 497-4000

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	No. 1:98CR05079 OWW
Plaintiff,	)	
	)	
v.	)	
	)	
SOCRATES G. DOMINGO,	)	ORDER TO DISMISS INDICTMENT
EMMANUEL G. UMALI, and	)	AGAINST EVELINA SABIO
EVELINA P. SABIO,	)	
	)	
Defendants.	)	
_____	)	

ORDER

Based on the motion of the government, and GOOD CAUSE APPEARING  
THEREFORE, the Court hereby orders that the indictment against  
Evelina Sabio, on March 6, 1998, be and is hereby dismissed.  
Effective the date of this Order, Evelina Sabio shall be released  
from custody ordered as a result of the indictment in the above-  
referenced case.

IT IS SO ORDERED.

**Dated: July 11, 2007**

**/s/ Oliver W. Wanger**  
**UNITED STATES DISTRICT JUDGE**